

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:13CR37
)	
vs.)	ORDER
)	
JOHN R. CREEL, SR.,)	
)	
Defendant.)	

On November 18, 2013, after granting the motion of defendant John R. Creel, Sr. (Creel), for a mental evaluation (Filing No. 43), the court ordered Creel be committed to the custody of the Attorney General for a competency examination pursuant to 18 U.S.C. § 4241 (Filing No. 48).

Creel's psychological evaluation was completed by David M. Szyhowski, Psy.D. Forensic Studies Unit Psychologist at the Metropolitan Correctional Center, Chicago, Illinois (MCC-Chicago), and a report was submitted to the court. Dr. Szyhowski's report was filed under seal with the Clerk of the Court on April 24, 2014, and a copy was provided to counsel (Filing No. 49 - Sealed). Creel was subsequently returned to the District of Nebraska for hearing.

A competency hearing pursuant to 18 U.S.C. § 4247(d) was held on April 29, 2014. Creel was present together with his counsel, Assistant Federal Public Defender Michael F. Maloney, and the United States was represented by Assistant U.S. Attorney Donald J. Kleine. The parties stipulated that the court receive and consider the report of Dr. Szyhowski (Filing No. 49 - Sealed). Creel was afforded an opportunity to testify and to present evidence or witnesses on his behalf. Other than the stipulation that the court receive and consider the psychological report, no further evidence was presented by either side.

Dr. Szyhowski diagnosed Creel as follows: 1) Narcissistic Personality Disorder, with Associated Features; 2) Major Depressive Disorder, Recurrent, In Partial Remission; 3) Posttraumatic Stress Disorder by self-reported history, In Remission; and 4) Alcohol Use Disorder, In Remission. Dr. Szyhowski found Creel to be currently clinically stable and not

suffering from any severe mental disease or defect that would impact Creel's ability to understand the legal proceedings and to properly assist his counsel. Creel's prognosis for continued psychiatric stability is good if Creel remains abstinent from alcohol and other drugs. Dr. Szyhowski found Creel to be competent to stand trial and criminal proceedings should continue.

Based upon a review of the forensic report submitted, the court finds Creel is mentally competent to stand trial, understands the nature of the proceedings against him, and is able to assist in his own defense.

IT IS ORDERED that, pursuant to 18 U.S.C. § 4241, Creel is mentally competent to understand the nature and consequences of the proceeding against him and to assist properly in his defense. This case shall now progress in the ordinary course of a criminal proceeding in this district.

IT IS FURTHER ORDERED the trial of this matter is scheduled before Chief Judge Smith Camp and a jury in Courtroom No. 2, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, commencing at **8:30 a.m. on May 27, 2014.**

IT IS FURTHER ORDERED a Rule 17.1 conference will be held at Creel's request before the undersigned magistrate judge **at 10:00 a.m. on May 16, 2014**, in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

DATED this 29th day of April, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge